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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,820	10/23/2003	John M. Sigeas	3331	6300

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EXAMINER

OKEZIE, ESTHER O

ART UNIT PAPER NUMBER

3654

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/691,820

Applicant(s)

SIGEARS, JOHN M.

Examiner

Esther O. Okezie

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 7-15, 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 7-15, 19 and 20 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. This application contains claims directed to the following patentably distinct species of the claimed invention: Species I-figures 1-3; species II-figure 4, species III-figure 5, species IV-figure 6.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 16-18 generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the

case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Michael Yakimo Jr. on September 23, 2004 a provisional election was made with traverse to prosecute the invention of Arrow Extractor, claims 1-20. Affirmation of this election must be made by applicant in replying to this Office action. Claim 7-15,19, and 20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1,2, 16, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant is attempting to claim "a pulling force. " Claims describing the operation of the handle should be restricted to the construction, alignment, or position of the handle and not a force applied to said handle. The examiner suggests a correction relative to the following: The handle is positioned in such a way that pulling upon the handle would direct the force of this pull into alignment with the central axis of the arrow shaft .The handle being constructed so

that it is aligned with the central axis of the shaft, diminishing the impact of applying a pulling force that is not in the direction of the central axis of the shaft.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1-6 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith. Although Smith discloses the use of the “tape grip and handle” for gripping chain or measuring tape, this tool is inherently capable of gripping an arrow shaft or any shaft of the like.

5. Regarding claim 1 Smith discloses:

- a plate (see figure 3, dashed lower portion; enlarged head portion 136, fig 2);
- a shelf ( 44, figs 1 and 2) extending vertically from said plate, said shelf adapted to bear along a portion of the shaft;
- a block in figure two being a cylindrical clutch element (62) mounted to said plate by aperture head (56) that includes a rectangular downwardly opening notch or aperture (60), this aperture head (56) being connected to a bar (54)

guided by lever (70). The cylindrical clutch element (62) engages the shaft atop the shelf (44) within inner surface (48). The block follows a path having a first position displaced from the shaft wherein a compression spring (58) is circumposed about the bar portion (54) with one end of the bar in engagement with shoulder (26) and a second position bearing against the shaft wherein the cylindrical clutch element (62) is engaged at the front of the notch (60), the shaft clamped between said block and said shelf at said second position (see figure 2 dotted and solid lines of cylindrical clutch element (62));(column 2, lines 1-45).

- A handle (16) that has a pivot on a transverse pin (68) that pivots a lever (70). Upon pulling the lever (70) to the right as indicated in figure three by dashed lines, the bar (54) and clutch element (62) are moved toward the left, reducing the grip on the shaft. Afterwhich pulling upon handle (16) releases the shaft from the tool completely (column 2, lines 34-49).
- said block or clutch element (62) is movable to first position to release the clamped shaft by movement of bar (54) which is actuated by lever (70).

6. Regarding claim 2 Smith discloses a handle (16) positioned relative to the central, longitudinal axis of the clamped shaft. The handle being aligned in such a way that a force being applied to said handle to release the shaft would necessitate direction along the central axis of the clamped shaft 9 (see figures1, 3, and 4 for handle alignment).

7. Regarding claim 3 Smith discloses a block (62) presenting a free edge bearing against the shaft (figure 2; column 2, lines 22-24).

8. Regarding claim 4 Smith discloses a slot in the block assembly which includes cylindrical clutch element (62) mounted to a plate by aperture head (56) that includes a rectangular downwardly opening notch or aperture (60), this aperture head (56) being connected to a bar (54) which is connected to lever (70) which serves as a post extending from the plate into a slot (18) along the handle (16). The lever (70) is slidably movable along the slot (18) to define the path of the clutch element between clamping and releasing the shaft.

9. Regarding claim 5 Smith discloses a slot (18) that is at a right angle relative to said shelf. The movement of lever (70) actuates the clutch element (62) to move forward and slightly downward as seen in figure 2, encompassing general longitudinal movement as well as lateral movement.

10. Regarding claim 6 Smith discloses a block path that provides friction fit engagement of the clutch element with the shaft in clamping position. In figures 1-3, the friction fit is encouraged by a compression spring (58) along the bar (54). However, in the absence of the compression spring the pressure of clutch element (62) and along

the wall or shelf (44) would hold the shaft in tension due to the convergence of the shelf along the shaft (column 2, lines 27-32).

11. Regarding claim 16 Smith discloses:

- a plate (see figure 3, dashed lower portion; enlarged head portion 136, fig 2);
- a first clamping surface (44, figs 1 and 2) extending from said plate, said first clamping surface adapted to bear along a portion of the shaft;
- a second clamping surface in figure two being a cylindrical clutch element (62) mounted to said plate by aperture head (56) that includes a rectangular downwardly opening notch or aperture (60), this aperture head (56) being connected to a bar (54) guided by lever (70). The cylindrical clutch element (62) engages the shaft atop the shelf (44) within inner surface (48). The clutch element (62) follows a path having a first position displaced from the shaft wherein a compression spring (58) is circumposed about the bar portion (54) with one end of the clutch element (62) in engagement with shoulder (26) and a second position bearing against the shaft wherein the clutch element (62) is engaged at the front of the notch (60), the shaft clamped between clutch element (62) and wall (44) at said second position (see figure 2 dotted and solid lines of cylindrical clutch element (62));(column 2, lines 1-45). The second clamping surface at second position, clamping the shaft is in friction fit with the shaft, whereby a pulling force on the handle (16) connected to the plate releases the shaft from the tool.



12. Regarding claim 17 Smith discloses a handle (16) positioned relative to the central, longitudinal axis of the clamped shaft. The handle being aligned in such a way that a force being applied to said handle to release the shaft would necessitate direction along the central axis of the clamped shaft 9 (see figures 1, 3, and 4 for handle alignment).

13. Regarding claim 18 Smith discloses a handle (18) that extends from plate (36) at a position whereby a straight line pulling force on said handle would transmit motions in generally similar straight line along the arrow shaft (see figures 1, 3, and 4 for handle alignment).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US-6739030 B2; US-6652016 B2; US-5, 119529; US-3824653, US-776586, US-4273373, US-6086126, US-249259.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther O. Okezie whose telephone number is (703) 305-0885. The examiner can normally be reached on Mon-Fri 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine A Matecki can be reached on (703) 308-2688. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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